

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIBER MEDIA, INC.,	:	
Plaintiff,	:	13 Civ. 953 (DLC)
	:	
-v-	:	PRETRIAL
	:	<u>SCHEDULING ORDER</u>
RATES TECHNOLOGY INC.,	:	
Defendant.	:	
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DENISE COTE, District Judge:

As set forth at the pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on March 1, 2013, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. The parties are instructed to contact the chambers of Magistrate Judge Fox immediately in order to pursue settlement discussions under his supervision.
2. Defendant's disclosure of infringement contentions shall occur by **March 6, 2013**.
3. Plaintiff's disclosure of invalidity contentions shall occur by **May 6, 2013**.
4. Exchange of proposed claim constructions shall occur by **July 2, 2013**.
5. All claim construction discovery must be completed by **July 25, 2013**.
6. Defendant's opening claim construction brief shall be filed by **August 9, 2013**. Plaintiff's responsive claim construction brief shall be filed by **August 23, 2013**. Any reply shall be filed by **August 30, 2013**. At the time any reply is filed, the parties shall arrange to provide two courtesy copies of all briefing materials to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York.
7. All fact discovery must be completed by **October 10, 2013**.

8. Expert reports and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R. Civ. P., by the party bearing the burden on an issue must be served by **November 12, 2013**. Identification of rebuttal experts and disclosure of their expert testimony must occur by **December 10, 2013**.
9. All expert discovery must be completed by **January 10, 2014**.
10. The following motions must be served by the dates indicated below.

Any motion to dismiss pursuant to Rule 12, Fed. R. Civ. P.:

- Motion served by **March 11, 2013**.
- Opposition served by **March 25, 2013**.
- Reply served by **April 5, 2013**.

If the plaintiff desires to amend its complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), it must file an amended pleading by **March 25, 2013** in lieu of its opposition to defendant's motion to dismiss. If no amended pleading is filed by March 25, the pleadings shall be treated as final, and no further opportunity to cure shall be granted.

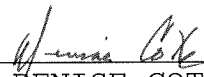
Any dispositive motions:

- Motion served by **January 21, 2014**.
- Opposition served by **February 11, 2014**.
- Reply served by **February 25, 2014**.

At the time any Reply is served with respect to the above-mentioned motions, the moving party shall supply two courtesy copies of all motion papers to Chambers by mail or delivery to the United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED:

Dated: New York, New York
March 1, 2013



DENISE COTE
United States District Judge